

REMARKS

Please disregard the preliminary amendment mailed July 6, 2004. That amendment appears to have crossed in the mail with the examiner's action.

Drawings

The examiner objected to the Drawings since certain "reference character(s) [were] not mentioned in the description." The applicants have amended the specification to refer to these reference characters.

The applicants are submitting a copy of formal drawings with this reply. FIG. 7 includes two changes to correct the inadvertent use of duplicate reference numbers. The flow indexer (previously 717) is now identified by 719. Mobility buffer acknowledgment (previously 762) is now identified by 728.

Title

The examiner stated:

'The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: "Method and apparatus for managing concurrent network communication connections."

The applicants have amended the title to "Plural Network Communication Connections."

Claim Objections

8. Claims 12-18 are objected to because of the following informalities:

iii. As per claim 12, the phrase "of as an active connection" is not grammatically correct. It is recommended that the word "of" be deleted from the claim.

iv. As per claim 14, the phrase "each of at least some of" is unclear and self-contradictory. It is recommended to replace the phrase with "one or more of." Appropriate correction is required.

Claim 12 is cancelled. Claim 14 has been amended according to the Examiner's suggestion.

12. As per claim 5, claim 5 recites the limitation "two or more of the connections" in lines 1 and 2 of the claim. There is insufficient antecedent basis for this limitation in the claim because only two connections are described in claim 1 on which claim 5 depends. For the purposes of examining the subject matter of claim 5, it is assumed it is intended that one or more additional connections may be optionally opened.

Claim 1 is open ended and can include opening connections in addition to the first and second connections. Claim 5 has been amended to remove the reference to antecedent connections and now merely states that "two or more connections are selected as the active connection."

13. As per claim 11, claim 11 recites the limitation "the device" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim because claim 1 on which claim 11 depends recites "at a device" line 2 and again in line 5 and it cannot be determined which of the two devices of claim 1 claim 11 refers to. For the purpose of examining the subject matter of claims 1 and 11, it is assumed that a single device is intended in claim 1.

Claim 11 has been amended.

Rejection of claims 1, 19, 23, and 28 as anticipated by Jawanda

The examiner stated:

15. Claims 1-4, 6, 7, 12, 13, 19, 20, 23-25, and 28-30 are rejected under 35 U. S. C. 102(e) as being anticipated by Jawanda (US 6,243,581). 16. As per claim 1, Jawanda teaches a method comprising: at a device 14, opening a first connection to a server 24 (Fig. 1; col. 4, lines 31-38; block 102, Fig. 4); establishing an information exchange protocol for communicating on the first connection (col. 2, lines 55-59); at a device 14, opening a second connection to the server 24 (Fig. 1; col. 5, lines 24-30; block 120, Fig. 4); selecting an active connection from connections including the second connection (col. 5, lines 43-52); and communicating information configured for the information exchange protocol using the active connection (col. 5 lines 65-66 and col. 6, lines 1-9; Fig. 4, block 132).

Claims 1, 19, 23, and 28 have been amended. For example, the method of claim 1 includes communicating information via the active connection using the information exchange protocol established for the first connection. Jawanda does not teach or suggest using the information exchange protocol established for the first connection, particularly when the active

connection is switch from the first connection, for example, to a second connection. At column 5, lines 25-31, Jawanda explains:

Block 120 depicts mobile terminal 14 establishing a second wireless data connection by logging on to WLAN 12 via wireless network adapter 20. To logon to WLAN 12, mobile terminal 14 performs the conventional registration procedures dictated by the network and followed by fixed terminals 24, except that logon information is conveyed between mobile terminal 14 and wireless LAN adapter 64 by wireless communication. [emphasis added]

Because Jawanda does not teach using the information exchange protocol established for the first connection with a subsequently selected active connection, Jawanda does not anticipate the method of claim 1 and claims that depend from claim 1. The same reasoning applies to independent claims 19, 23, and 28 and the claims that depend from them.

Rejection of Claims 11 and 17 in view of Tso and other references

53. Claims 11 and 17 are rejected under 35 U.S.C. 103(a) as unpatentable over Jawanda in view of Westfield as applied to claim 9 above, and further in view of Tso (US 2002/0062384).

Claims 11 and 17 are now independent. These claims were rejected as obvious in view of Tso et al., an application filed December 13, 2001, published May 23, 2002, and claiming priority to 09/036,699, filed on March 6, 1998. The applicants infer that Examiner is of the view that Tso et al. is available under § 102(e).

This application (09/811,161) and Tso et al. are both assigned to Intel Corp. Copies of the assignments are enclosed for the examiner's convenience. Moreover, the inventions claimed in this application were owned by Intel Corp. or subject to an obligation of assignment to Intel Corp. at the time that they were made. § 103(c) reads as follows:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Since Tso et al. cannot be asserted under § 103 against the present application, the applicants respectfully submit that the rejection of claims 11 and 17 can be withdrawn.

Applicant : Frederick William Strahm et al.
Serial No. : 09/811,161
Filed : March 16, 2001
Page : 17 of 17

Attorney's Docket No.: 10559-423001 / P10437

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 12 OCT. 2004



Ramon K. Tabtiang
Reg. No. 55,658
Agent for Intel. Corp.

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Applicant : Frederick William Strahm et al.
Serial No. : 09/811,161
Filed : March 16, 2001
Page : 13 of 17

Attorney's Docket No.: 10559-423001 / P10437

Amendments to the Drawings:

The attached replacement sheets of drawings includes formalized versions of all Figures, including changes to Fig. 7 as now presented in Fig. 7B

Attachments following last page of this Amendment:

Replacement Sheet (9 pages)

Annotated Sheet Showing Change(s) to Fig. 7 (1 pages)

PATENT & TRADEMARK OFFICE
OCT 15 2004
JCS37

Figure 7
The Server side

